

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 2:16-cr-7-KS-MTP

CHARLES BOLTON AND
LINDA BOLTON

ORDER

THIS CAUSE IS BEFORE THE COURT on [376] “Motion to Reconsider Court Order [373], or in the Alternative, Motion for Relief from Court Order [373]” filed pursuant to F.R.C.P. 59(e) and/or F.R.C.P. 60(b)(1). The Government did not file a response and the Court has considered the Motion and finds as follows:

1. That on September 16, 2019, Movant Linda Bolton filed a Motion [350] for New Trial Pursuant to F.R.C.P. Rule 33 and said Motion was joined by Charles Bolton by Order [357].
2. That the Government was Ordered to respond and did [358] and [359].
3. That the Movants replied [364].
4. That the Response of the Government [358] requested that Attorney Mary Lee Holmes be sanctioned for filing untrue, misleading, disrespectful and improper allegations against the Court, the prosecution, and its witnesses. The request for sanctions was a part of [358-p12-13]. The request for sanctions was not a separate pleading nor was Ms. Holmes served separately with the request for sanctions as required by F.R.C.P. 11(2).

On August 10, 2020, this Court directed Attorney Mary Lee Holmes to clarify some of the allegations [368] and the Boltons requested permission [371] to supplement the record and filed said supplement [372].

By Order of this Court, the Motion for New Trial [350] was denied and sanctions were assessed against Attorney Mary Lee Holmes.

On January 6, 2021, a Motion for Reconsideration of Sanctions, etc. [376] was filed by Ms. Holmes and is now being considered by the Court.

SUMMARY

It is clear the Court erred in not requiring a separate Motion for Sanctions as required by Rule 11. It is also clear that the motion and response filed by the Boltons, [372], include improper and untrue statements and disparagement of the Court, Government's attorneys, and witnesses. The pleading is sanctionable. Ms. Holmes in her Motion for Reconsideration [376] sets forth a stream of events that led to the filing of the improper pleadings and the fact that she had no part in drafting it. The Court has reconsidered and finds that in addition to the Court not requiring the appropriate separate motion that the offensive pleading was drafted by one of Charles Bolton's other attorneys who was not of counsel in this case. Based on the totality of the circumstance, the Court finds that the actions by Ms. Holmes in filing the offensive pleading that was not drafted by her, and it was not filed in bad faith. Accordingly, the Court finds that the sanctions assessed against Ms. Holmes in the amount of five thousand dollars (\$5000.00) should be rescinded for the reasons stated above. The Order [350] is set aside insofar as it pertains to the sanctions only. The Motion for a New Trial was previously overruled. As there was only a request for reconsideration of the sanctions and not the Motion for New Trial, the Order of this

Court [373] as to the Motion for New Trial is effective as of December 15, 2020, and this case is finally concluded.

SO ORDERED this the 7th day of May, 2021.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE